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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,937	08/29/2000	Stuart Mandel Garland	45-8-54	8777

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EXAMINER

TRAN, PHILIP B

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/12/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/649,937

Applicant(s)

GARLAND ET AL.

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 13-14, the term "... by the features of the line associated with the CPE" is not clear. What are those features and where are they described in details ?

In claim 2, line 5, the term "... from the application to the CPE" is not clear. What application is being referred to ?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C 102(b) as being anticipated by Courville et al (Hereafter, Courville), U.S. Pat. No. 5,579,381.

Regarding claim 1, Courville teaches in a communication system including a switch (= a public switched telephone network (PSTN)) coupled with Customer Premises Equipment (CPE) (= telecommunication terminals (20)) and an application

server (= server (10)) coupled with the switch [see Fig. 1], a method for sending a server-specified message to the CPE without setting up a call path between the application server and the CPE, the method comprising the steps of:

 sending a request from the application server to the switch (= the server (10) initiates by sending a request to the PSTN including the originating switch (110) and the terminating switch (120)) [see Col. 3, Line 29 to Col. 4, Line 30]; and

 sending, based upon the request, a predetermined server-specified message from the switch to the CPE without setting up a call path between the application server and the CPE, wherein CPE is not rung and the predetermined message is not affected by the features of the line associated with the CPE (= message from the server is processed in the PSTN to provide suppressed ringing access to the terminal (20) via the desired subscriber line (22)) [see Abstract and Col. 4, Lines 31-61 and Col. 6, Line 65 to Col. 7, Line 15].

Regarding claim 2, Courville further teaches the step of sending a predetermined server-specified message from the switch to the CPE comprises the step of forwarding the request received from the application to the CPE (= routing the request message received from the server to the subscriber terminal line) [see Col. 2, Lines 16-29].

Regarding claims 3-4, Courville further teaches sending a return message from the CPE to the switch without setting up a call path between the application server and the CPE and the step of sending a status message based upon the return message from the switch to the application server without setting up a call path between the

application server and the CPE (= the terminal sends a message to the switch and the switch sends a message to the server) [see Col. 5, Lines 45-52].

Regarding claim 5, Courville further teaches the step of sending a predetermined server-specified message from the switch to the CPE comprises the step of opening an analog path to send the predetermined server-specified message to the CPE (= providing ringing signal path [see Col. 3, Lines 30-65] to the subscriber line) [see Col. 2, Lines 30-65] is inherently opening an analog path to send the message to the terminal.

Claim 6 is rejected under the same rationale set forth above to claim 1.

Claims 7-9 are rejected under the same rationale set forth above to claims 2-4.

Regarding claim 10, Courville further teaches the means for sending a predetermined message to the CPE comprises means for sending a message to the CPE using suppressed ringing capabilities (= using suppressed ringing access) [see Col. 2, Lines 30-65 and Col. 4, Lines 30-53].

Claim 11 is rejected under the same rationale set forth above to claim 6.

Claims 12-14 are rejected under the same rationale set forth above to claims 8-10.

Claim 15 is rejected under the same rationale set forth above to claim 11.

Claim 16 is rejected under the same rationale set forth above to claim 6. In addition, Courville further teaches an application server (= server (10)), Customer Premises Equipment (CPE) (= terminal (20)), and a switch coupled to the application server and the CPE (= a public switched telephone network (PSTN) including originating switch (110) and terminating switch (120)).

Claims 17-19 are rejected under the same rationale set forth above to claims 7-9.

Regarding claim 20, Courville further teaches a communication system in accordance with claim 16, wherein the CPE comprises a modem (= Fig. 1 and Col. 5, Lines 43-45].

Regarding claims 21-22, Courville further teaches a communication system in accordance with claim 16, wherein the CPE comprises a computer or a data communications terminal (= terminal (20)) [see Fig. 1].

Regarding claims 23-24, Courville further teaches a communication system in accordance with claim 16, wherein the application server comprises a computer or a data communications device [see Fig. 1].

Other References Cited

5. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

- A) Fortman U.S. Pat. No. 6,203,192.
- B) Rajakarunanayake et al, U.S. Pat. No. 6,286,049.
- C) Vasamsetti et al, U.S. Pat. No. 6,584,074.
- D) Lamarque, III, U.S. Pat. No. 6,674,746.
- E) Jones, U.S. Pat. No. 6,631,118.
- F) MeLampy et al, U.S. Pat. No. 5,566,236.
- G) Chin et al, U.S. Pat. No. 6,744,867.
- H) Schull et al, U.S. Pat. No. 5,359,641.
- I) Page et al, U.S. Pat. No. 5,329,619.
- J) Farese et al, U.S. Pat. No. 4,996,685.

6. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The fax phone number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Philip Tran

Philip Tran
Art Unit 2155
October 05, 2004